



PUBLIC NOTICE

US Army Corps
of Engineers
New York District
Jacob K. Javits Federal Building
New York, N.Y. 10278-0090
ATTN: Regulatory Branch

In replying refer to:

Public Notice Number: 1994-01400-3-L4
Issue Date: 11 August 2006
Expiration Date: 10 September 2006

To Whom It May Concern:

The New York District, Corps of Engineers has received an application for a Department of the Army permit pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

APPLICANT: Suffolk County Department of Public Works
335 Yaphank Avenue
Yaphank, NY 11980

ACTIVITY: Dredging with ten year maintenance and beach nourishment.

WATERWAY: Nissequogue River (LONG ISLAND SOUND - LONG ISLAND River Basin)

LOCATION: Nissequogue, Town of Smithtown, Suffolk County, New York.

A detailed description and plans of the applicant's activity are enclosed to assist in your review.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

ALL COMMENTS REGARDING THE PERMIT APPLICATION MUST BE PREPARED IN WRITING AND MAILED TO REACH THIS OFFICE BEFORE THE EXPIRATION DATE OF THIS NOTICE, otherwise, it will be presumed that there are no objections to the activity.

Any person may request, in writing, before this public notice expires, that a public hearing be held to collect information necessary to consider this application. Requests for public hearings shall state, with

CENAN-OP-RE
PUBLIC NOTICE NO. 1994-01400-3-L4

particularity, the reasons why a public hearing should be held. It should be noted that information submitted by mail is considered just as carefully in the permit decision process and bears the same weight as that furnished at a public hearing.

Our preliminary determination is that the activity for which authorization is sought herein is not likely to affect any Federally endangered or threatened species or their critical habitat. However, pursuant to Section 7 of the Endangered Species Act (16 U.S.C. 1531), the US Army Corps of Engineers, New York District is consulting with the appropriate Federal agency to determine the presence of and potential impacts to listed species in the project area or their critical habitat.

The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), requires all Federal agencies to consult with the NOAA Fisheries Service (NFS) on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed work, fully described in the attached work description, could cause the disruption of habitat for various lifestages of some EFH-designated species. However, the District Engineer has made the preliminary determination that the site-specific adverse effects are not likely to be substantial. Further consultation with NFS regarding EFH impacts and conservation recommendations is being conducted and will be concluded prior to the final decision.

Based upon a review of the latest published version of the National Register of Historic Places, there are no known sites eligible for, or included in, the Register within the permit area. Presently unknown archeological, scientific, prehistorical, or historical data may be lost by work accomplished under the required permit.

Reviews of activities pursuant to Section 404 of the Clean Water Act will include application of the guidelines promulgated by the Administrator, U.S. Environmental Protection Agency, under authority of Section 404 (b) of the Clean Water Act and the applicant will obtain a water quality certificate or waiver from the appropriate state agency in accordance with Section 401 of the Clean Water Act prior to a permit decision.

Pursuant to Section 307 (c) of the Coastal Zone Management Act of 1972 as amended [16 U.S.C. 1456 (c)], for activities under consideration that are located within the coastal zone of a state which has a federally approved coastal zone management program, the applicant has certified in the permit application that the activity complies with, and will be conducted in a manner that is consistent with, the approved state coastal zone management program. By this public notice, we are requesting the state's concurrence with, objection to, or waiver of the applicant's certification. No permit decision will be made until one of these actions occur. For activities within the coastal zone of New York State, the applicant's certification and accompanying information is available from the Consistency Coordinator, New York State Department of State, Division of Coastal Resources and Waterfront Revitalization, Coastal Zone Management Program, 41 State Street, Albany, New York 12231, Telephone (518) 474-6000. Comments regarding the applicant's certification, and copies of any letters to this office commenting upon this proposal, should be so addressed.

The applicant has requested a water quality certificate and coastal zone management program concurrence and New York State Department of Environmental Conservation permit for the activity under consideration.

CENAN-OP-RE
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It is requested that you communicate the foregoing information concerning the activity to any persons known by you to be interested and who did not receive a copy of this notice. If you have any questions concerning this application, you may contact this office at (917) 790-8521 and ask for Frank Tangorra.

For more information on New York District Corps of Engineers programs, visit our website at <http://www.nan.usace.army.mil>



Richard L. Tomer
ja Chief, Regulatory Branch

Enclosures

WORK DESCRIPTION

The applicant, Suffolk County Department of Public Works, has requested Department of the Army authorization to dredge, with ten years maintenance and subsequent beach nourishment in Nissequogue River at Nissequogue, Town of Smithtown, Suffolk County, New York.

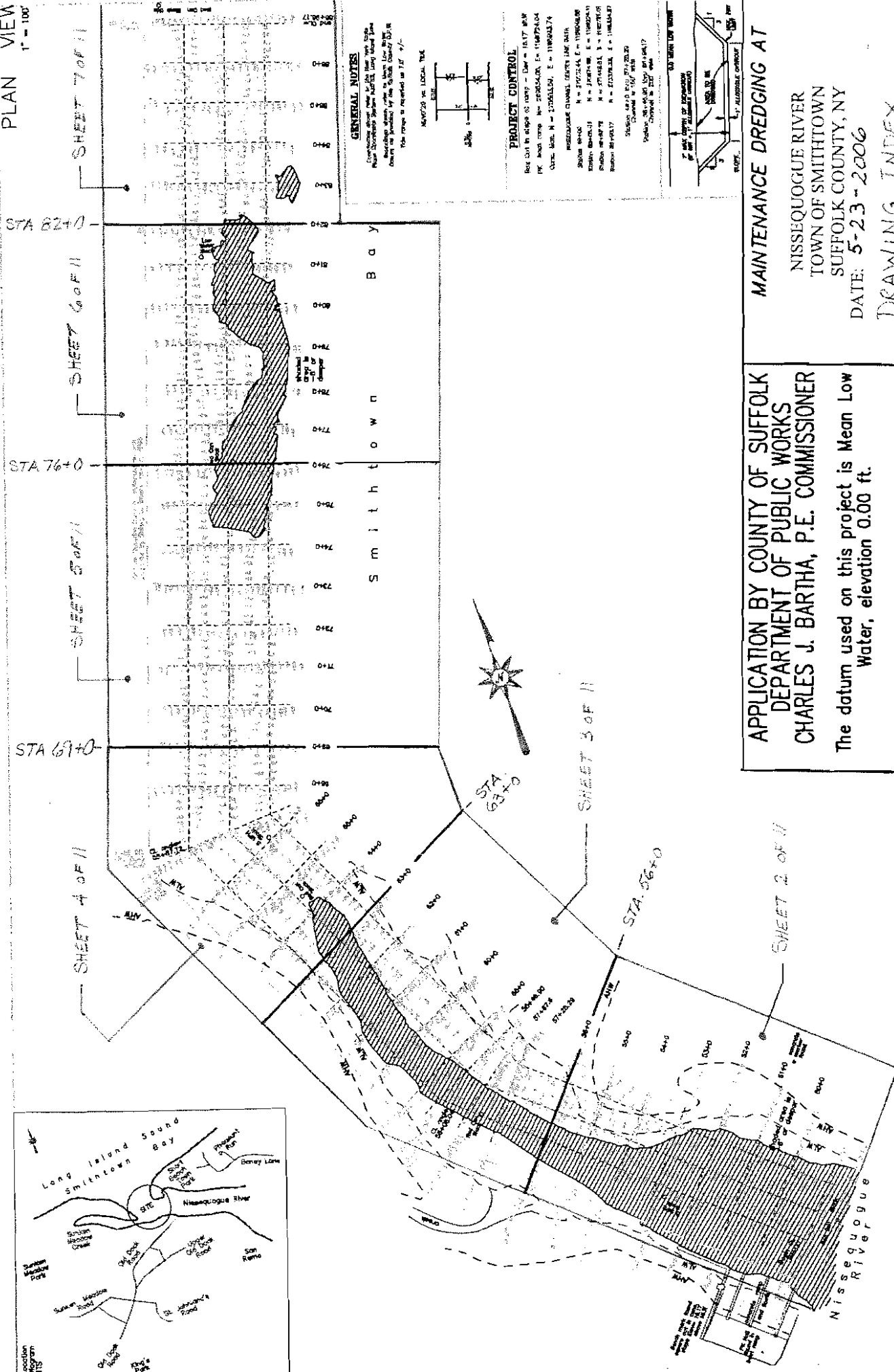
The work would involve dredging, with ten years maintenance, of approximately 90,000 cubic yards that would be hydraulically dredged from a channel 3,800 feet long by 150 to 200 feet wide to a depth of 7 feet below mean low water. The surplus dredged material from the channel would be pumped onto western Sunken Meadow Beach or to Short Beach in Nissequogue, as beach nourishment.

Approximately 25% of the dredged material, approximately 22,500 cubic yards, placed on the beaches would settle below spring high water. The discharge of fill below Spring High Water would be 805,000 square feet along 4,200 feet of beach at Sunken Meadow Park Beach, west of the channel, and along 2,200 feet of beach at Short Beach east of the channel.

The proposed work could have a minor adverse impact on Essential Fish Habitat (EFH) and EFH-managed species as a result of a temporary increase in turbidity during construction. Although this may adversely affect the feeding success of some EFH-managed species or their prey, it is expected that fish populations would avoid the area of disturbance.

The stated purpose of this project is to provide the public safe passage through the channel and to nourish an existing public beach.

PLAN VIEW
1" = 100'



GENERAL NOTES

Contractor shall verify all data and dimensions shown on this plan. Any discrepancies shall be reported to the Engineer immediately. The Engineer shall be responsible for the accuracy of the data and dimensions shown on this plan.

NOTES TO THE CONTRACTOR

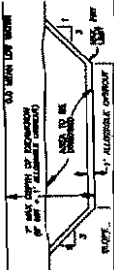
1. The project is located at the intersection of the Nissequogue River and the Town of Smithtown, Suffolk County, NY.

PROJECT CONTROL

Best Cut in slope of ramp - Low = 15.17' H/W
Best Cut in slope of ramp - High = 15.17' H/W
Best Cut in slope of ramp - Low = 15.17' H/W
Best Cut in slope of ramp - High = 15.17' H/W

RESURFACING CHANNEL CEMENT LINE DATA
Station 69+00 N = 1707114.4 E = 1190404.0
Station 70+00 N = 1707114.4 E = 1190404.0
Station 71+00 N = 1707114.4 E = 1190404.0
Station 72+00 N = 1707114.4 E = 1190404.0
Station 73+00 N = 1707114.4 E = 1190404.0
Station 74+00 N = 1707114.4 E = 1190404.0
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MAINTENANCE DREDGING AT

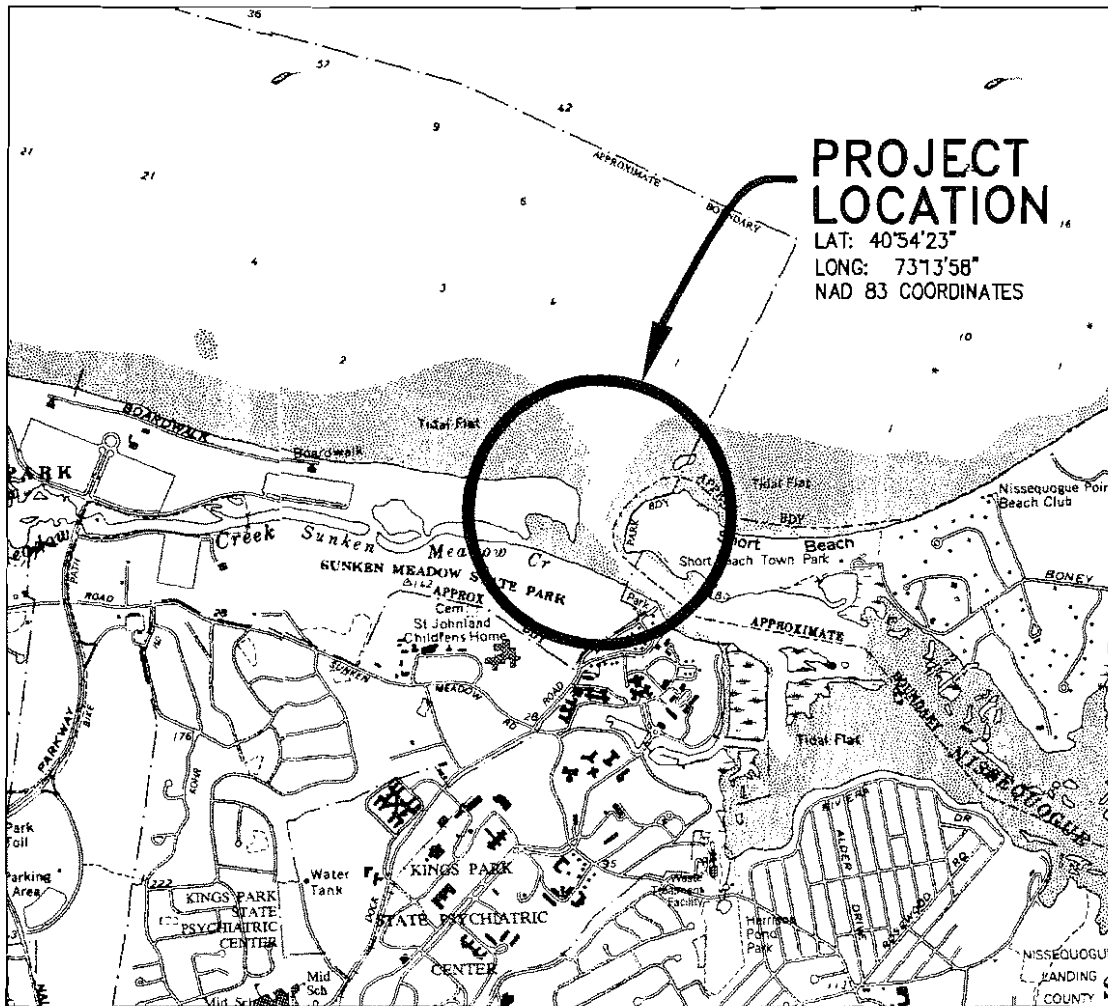
NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
DATE: 5-23-2006

DRAWING INDEX

APPLICATION BY COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
CHARLES J. BARTHA, P.E. COMMISSIONER

The datum used on this project is Mean Low
Water, elevation 0.00 ft.

N



PROJECT LOCATION

LAT: 40°54'23"
LONG: 73°13'58"
NAD 83 COORDINATES

SCALE 1:3,200
LOCATION MAP

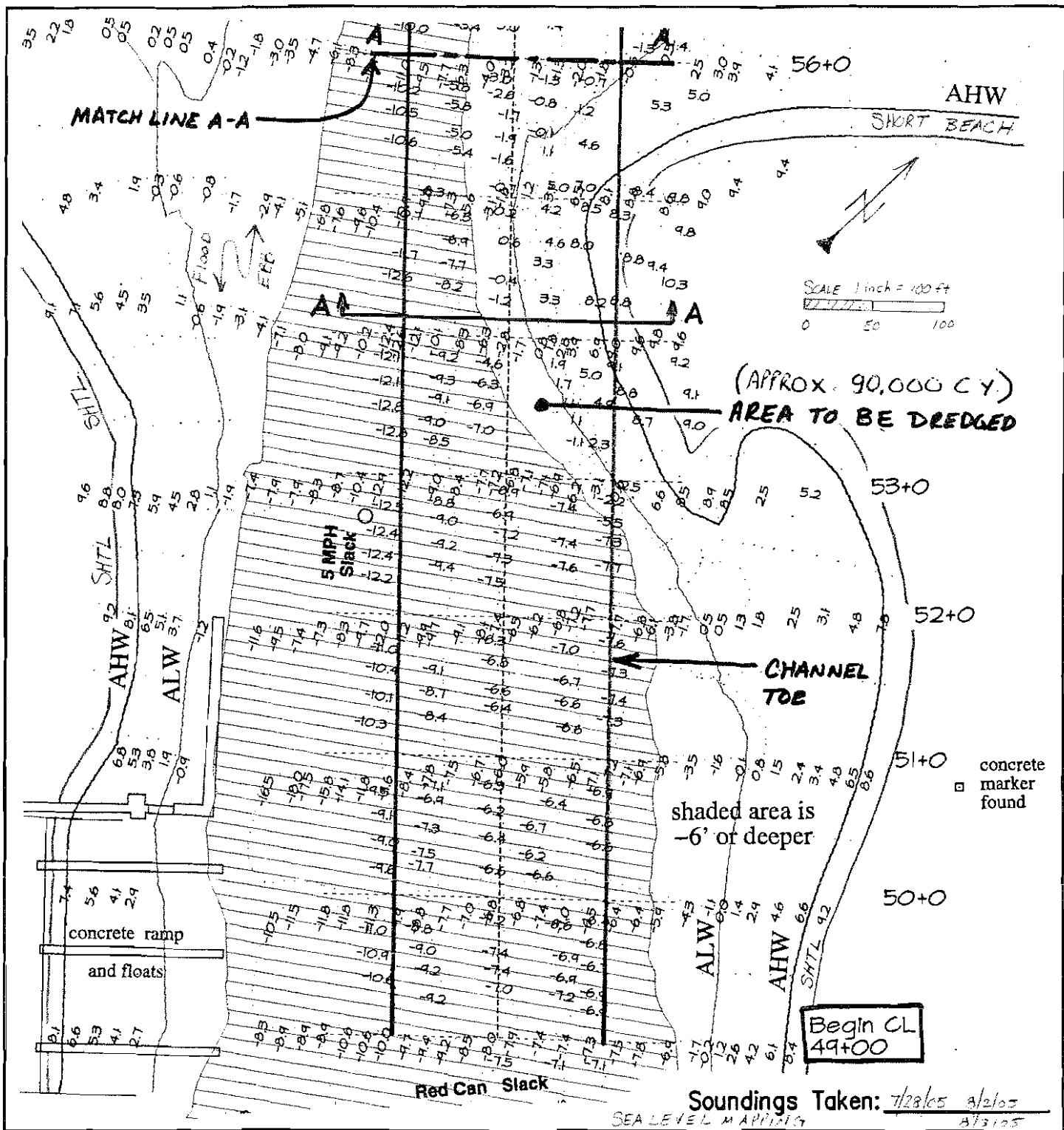
PROJECT LOCATION

LOCATION MAP TAKING FROM
NYSDOT QUADRANGLE, MAPS GG52 & GG53

APPLICATION BY COUNTY OF SUFFOLK
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MAINTENANCE DREDGING
AT
NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NEW YORK
DATE JAN, 2006 SHEET 1 OF 11



APPLICATION BY COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
CHARLES J. BARTHA, P.E. COMMISSIONER

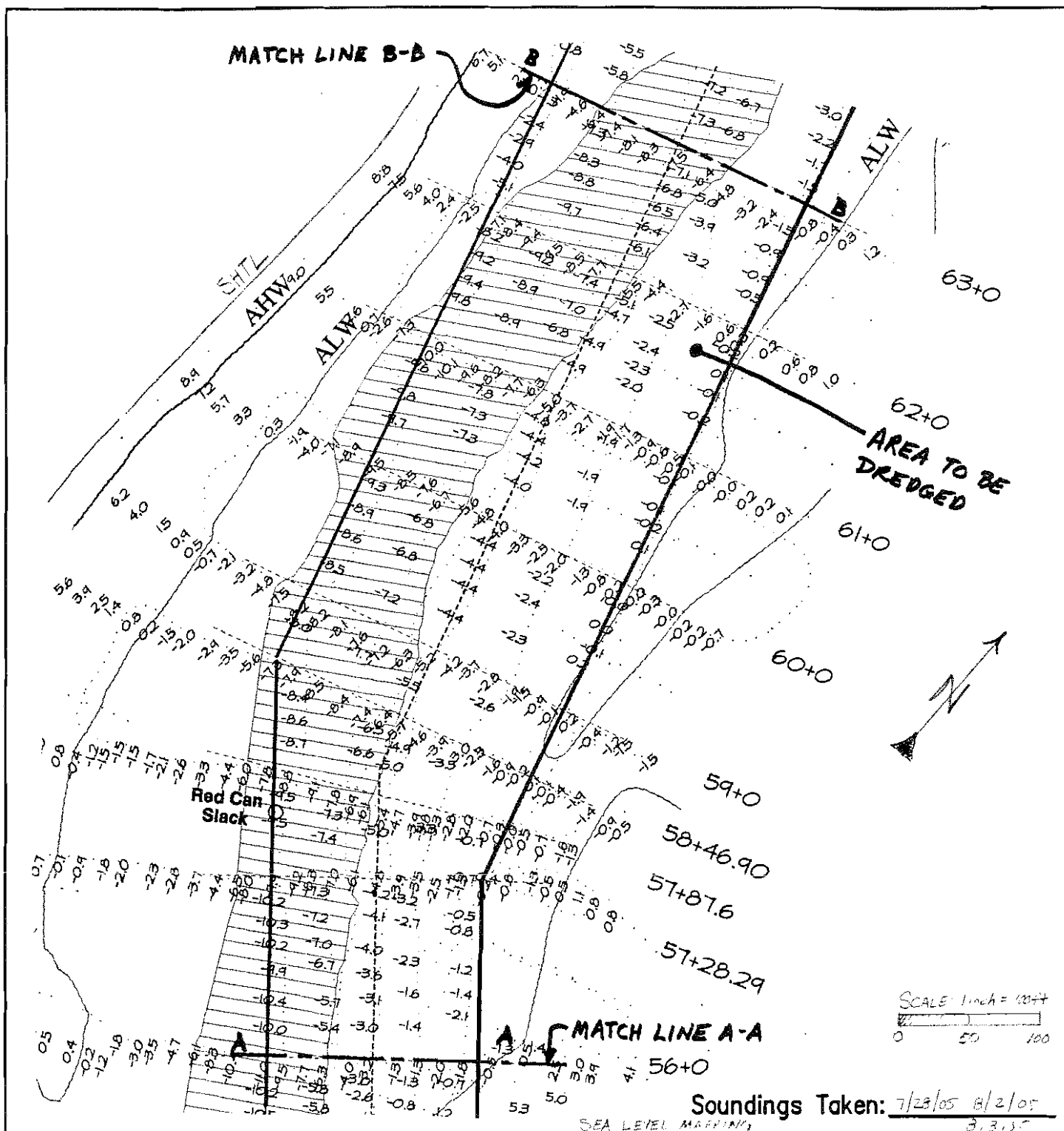
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Water, elevation 0.00 ft.

REVISED 4-4-06

MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY

DATE: JAN. 2006 SHEET 2 OF 11



APPLICATION BY COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
CHARLES J. BARTHA, P.E. COMMISSIONER

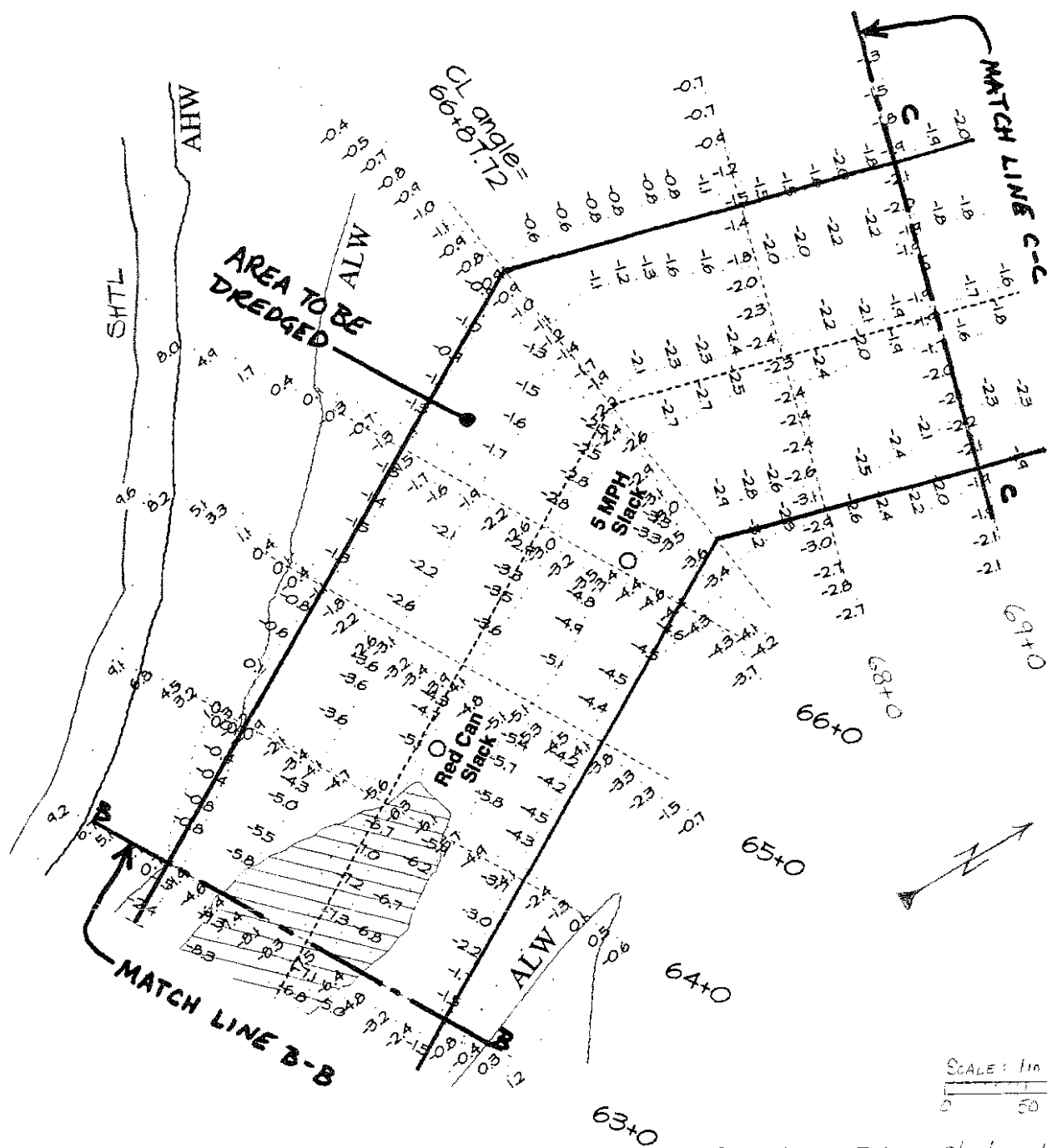
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Water, elevation 0.00 ft.

REVISED 4-4-06

MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY

DATE: JAN. 2006 SHEET 3 OF 11



Soundings Taken: 7/22/05 8/2/05

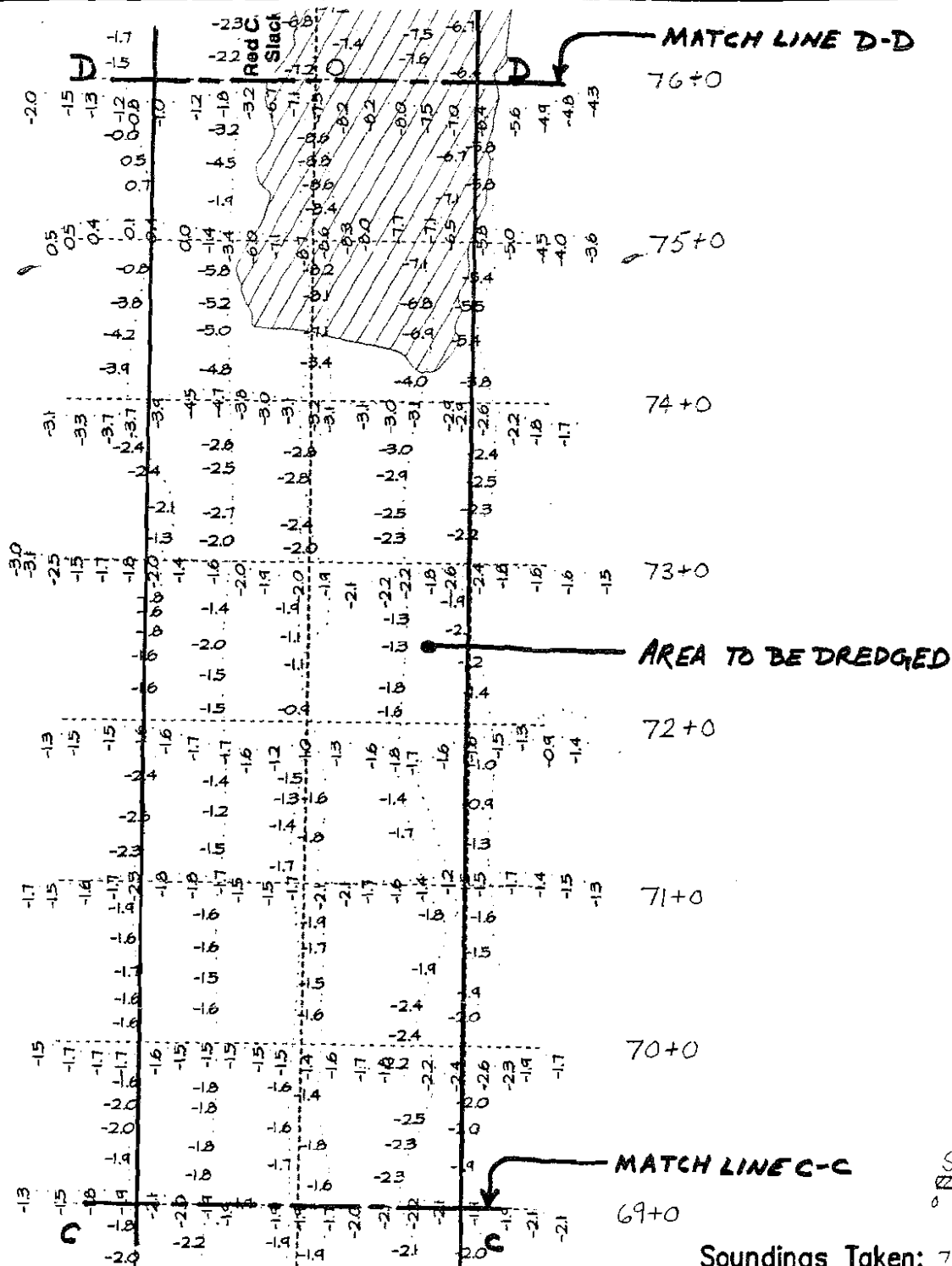
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REVISED 4-4-06

MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
DATE: JAN. 2006 SHEET 4 OF 11



Soundings Taken: 7/28/05 8/2/05

SEA LEVEL MAPPING 8/3/05

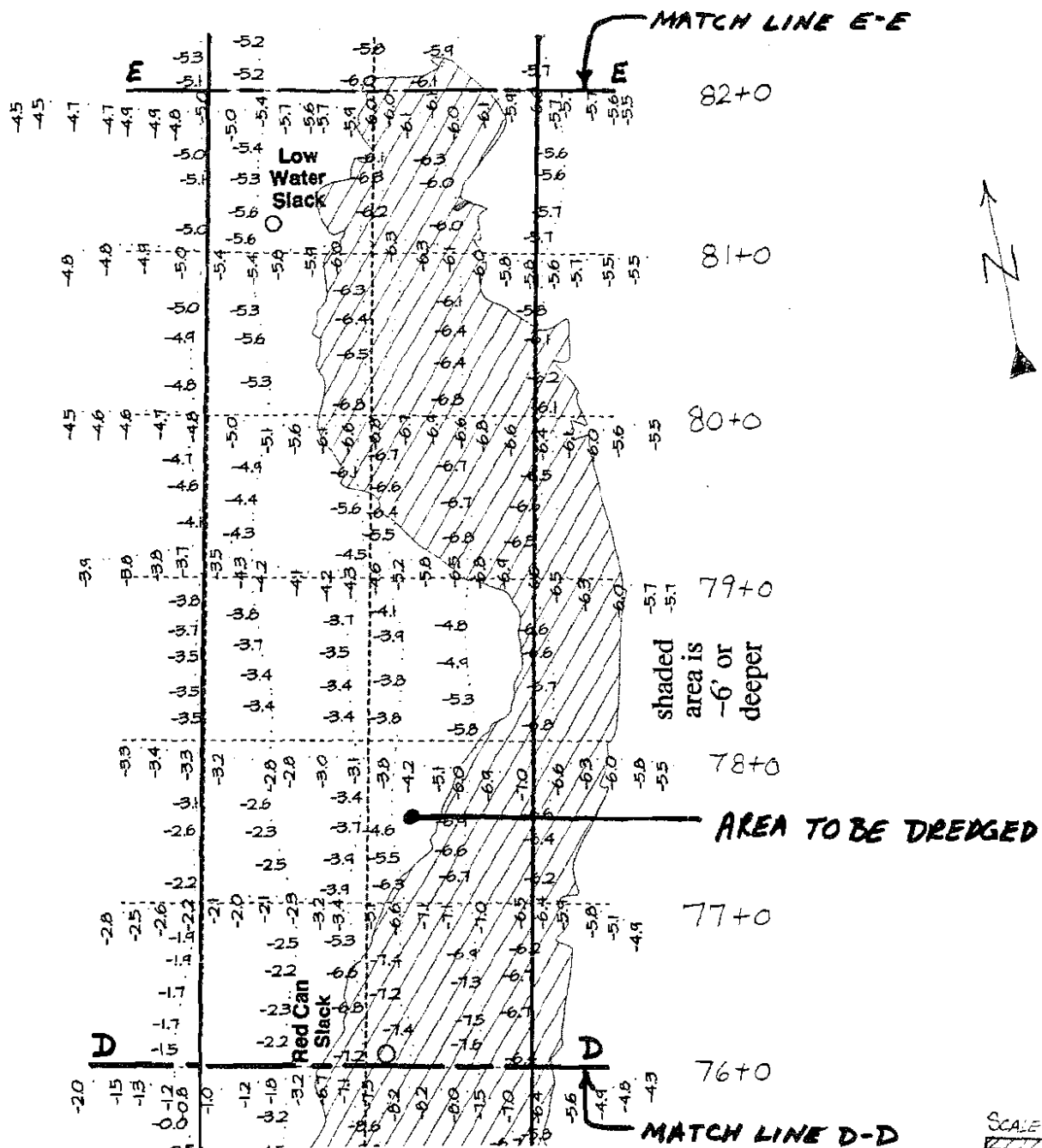
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MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY

DATE: JAN. 2006 SHEET 5 OF 11



Soundings Taken: 7/28/05 8/2/05

SEA LEVEL MAPPING

8/2/05

APPLICATION BY COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
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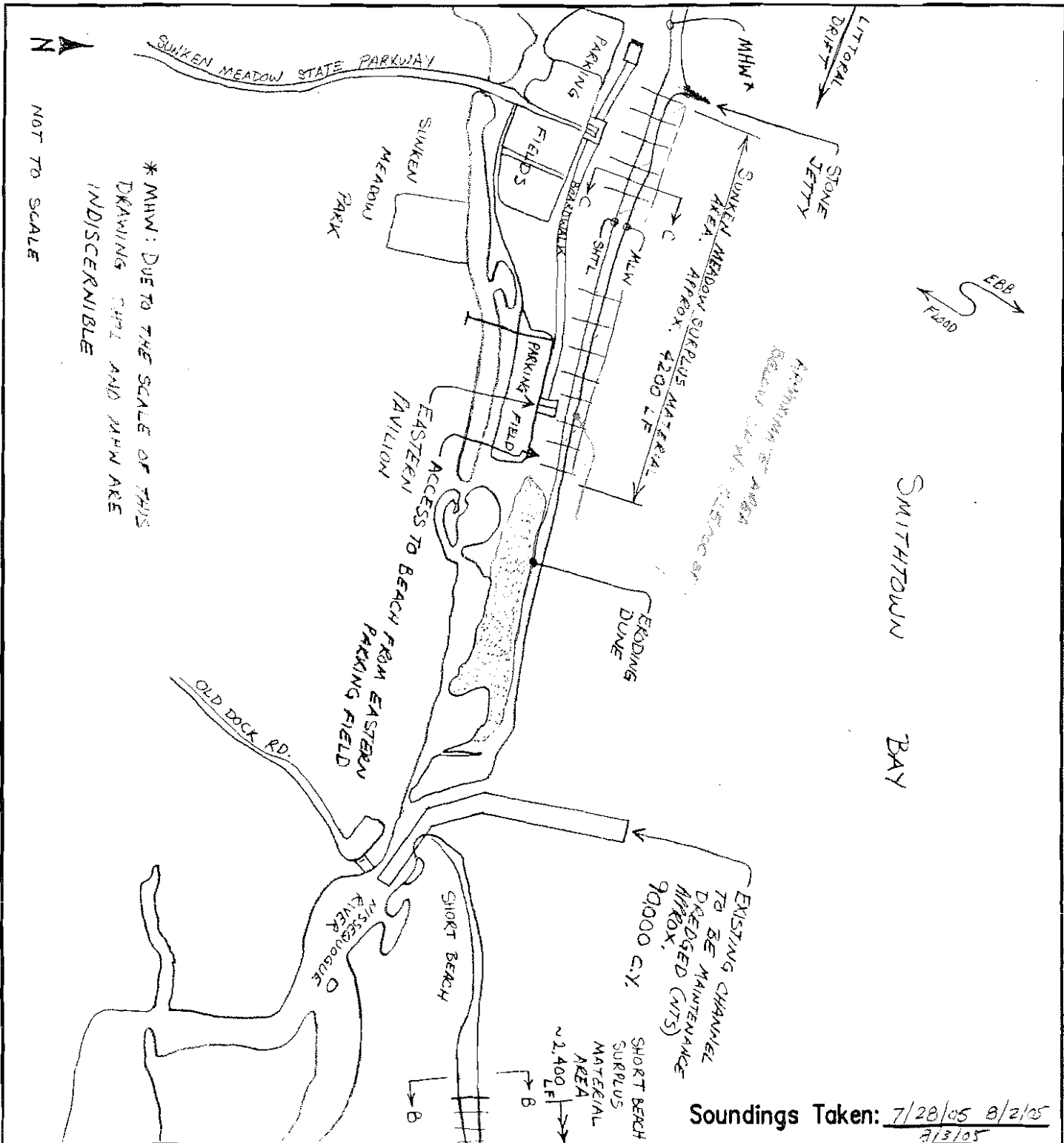
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Water, elevation 0.00 ft.

MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY

DATE: JAN. 2006 SHEET 6 OF 11

DATE: JAN. 2006 SHEET 7 OF 11



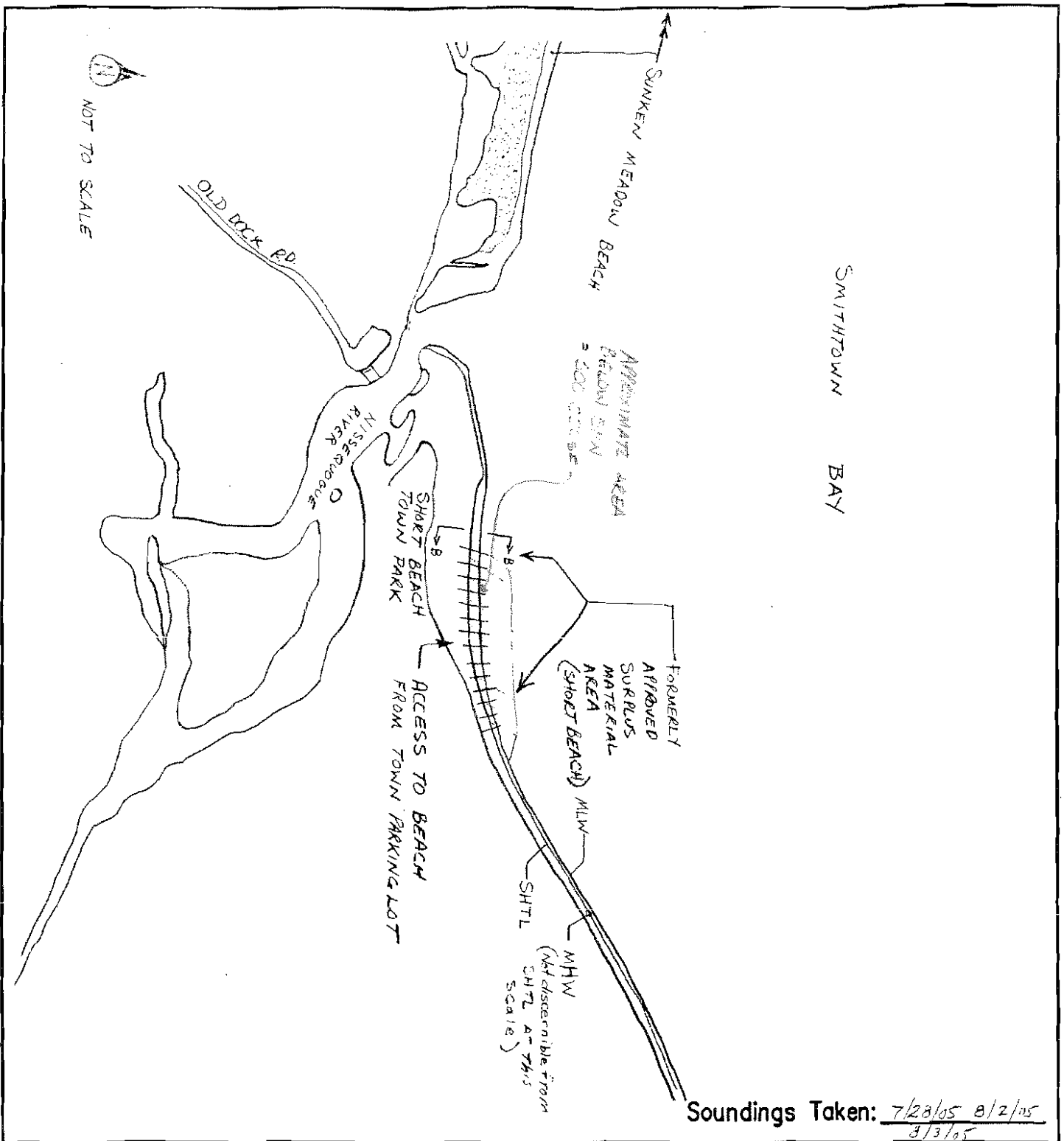
Soundings Taken: 7/28/05 8/2/05
8/3/05

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MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
DATE: JAN. 2006 SHEET 2 OF 11

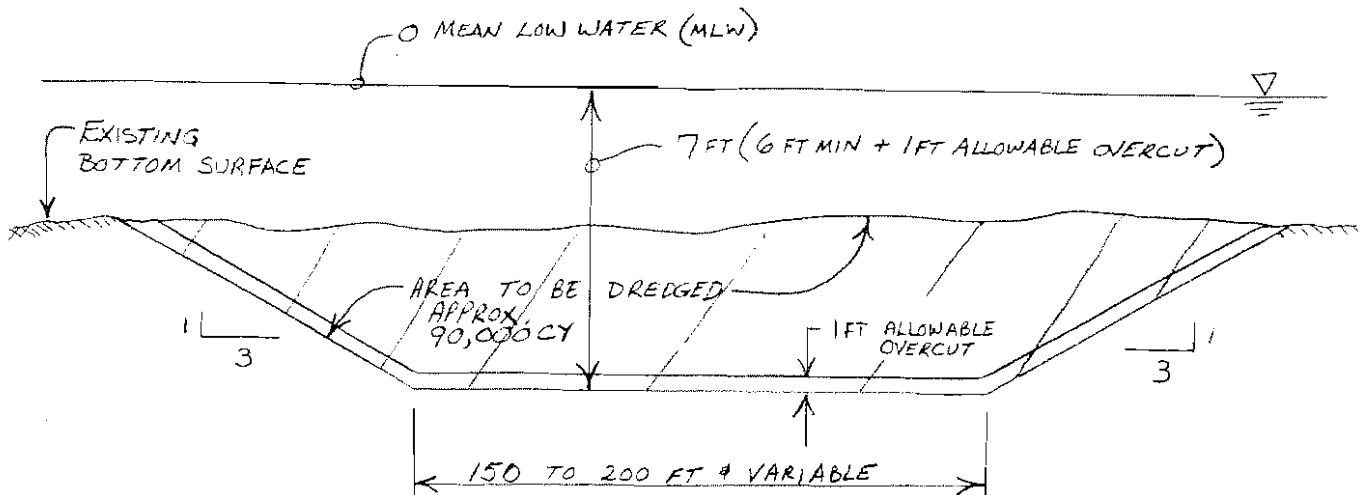


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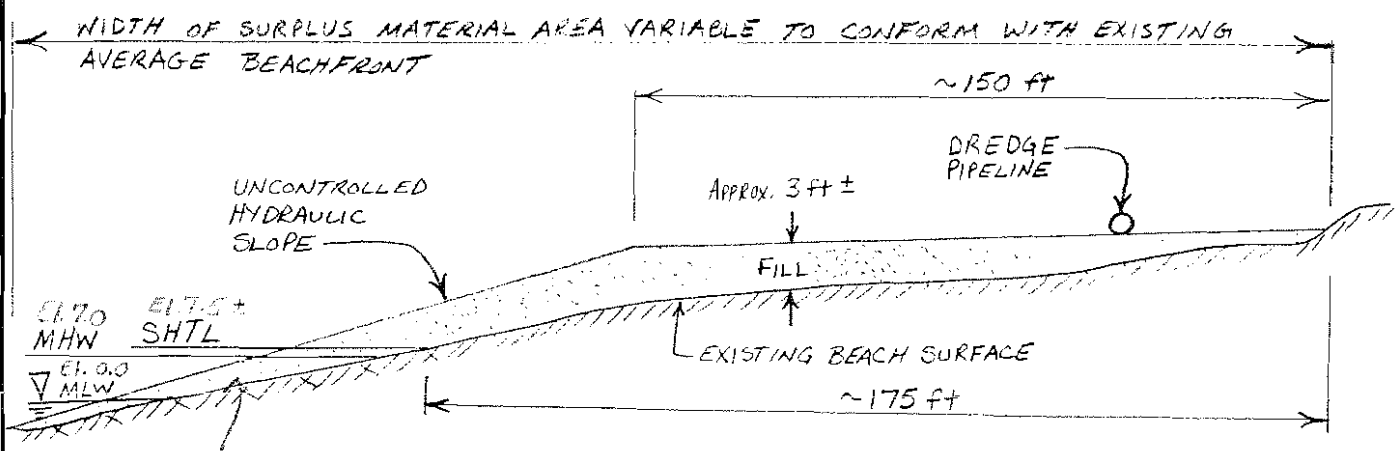
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MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
DATE: JAN. 2006 SHEET 2 OF 11



SECTION A-A
TYPICAL CHANNEL SECTION
(NTS)



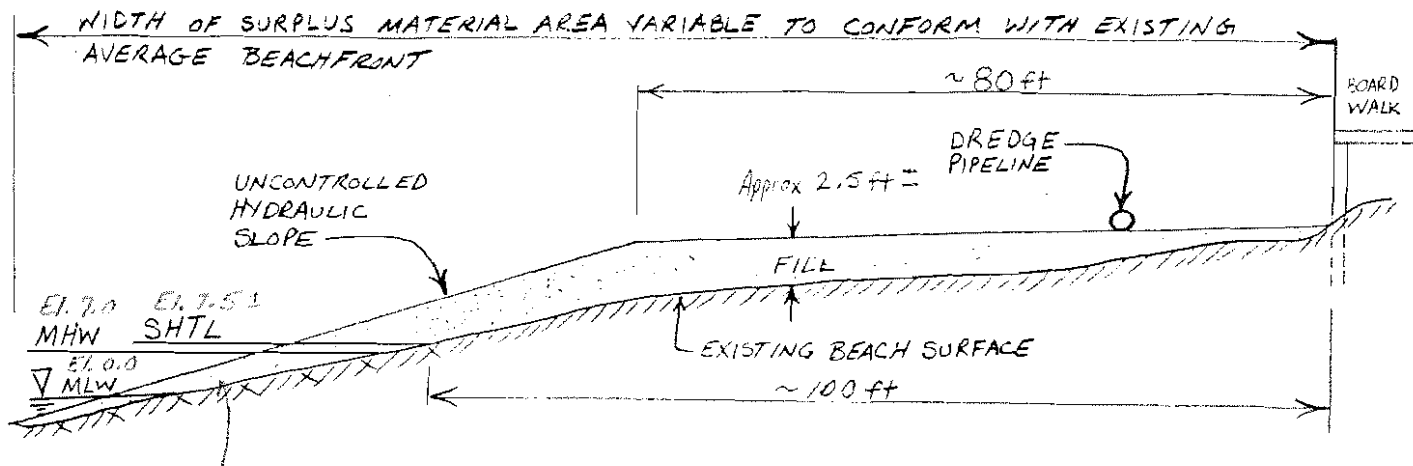
NOTE: APPROXIMATELY
10-25% OF THE MATERIAL
WILL SETTLE BELOW
SPRING HIGH TIDE.
APPROXIMATELY
600,000 CY OF FILL
BELOW SPRING HIGH TIDE LINE

SECTION B-B
SHORT BEACH
TYPICAL SURPLUS MATERIAL
BEACH SECTION
(NTS)

Soundings Taken: 7/28/05 8/2/05
8/3/05

APPLICATION BY COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
CHARLES J. BARTHA, P.E. COMMISSIONER
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Water, elevation 0.00 ft.

MAINTENANCE DREDGING AT
NISSEQUOGUE RIVER
TOWN OF SMITHTOWN
SUFFOLK COUNTY, NY
DATE: JAN. 2006 SHEET 10 OF 11



NOTE: APPROXIMATELY
10-25% OF THE
MATERIAL WILL
SETTLE BELOW THE
SPRING HIGH TIDE.
APPROXIMATELY 525,000 SF
OF FILL BELOW SPRING
HIGH TIDE LINE

SECTION C-C

SUNKEN MEADOW BEACH
TYPICAL SURPLUS MATERIAL
BEACH SECTION
(NTS)

Soundings Taken: 7/28/05 2/2/05
8/3/05

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MAINTENANCE DREDGING AT

NISSEQUOGUE RIVER
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DATE: JAN. 2006 SHEET 11 OF 11